

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH JOHNSON, JR.,

No. C 05-02064 SI

Petitioner,

**ORDER GRANTING REQUEST FOR
JUDICIAL NOTICE AND VACATING
HEARING**

v.

MELVIN HUNTER, Warden,

Respondent.

Currently before the Court is respondent's motion to dismiss petitioner's habeas corpus petition for untimeliness. In his opposition brief, petitioner requests that the Court take judicial notice of the case files of Case Nos. 02-CV-1678-SI and 04-CV-0775-SI. The Court agrees with petitioner that review of the above files is necessary for full consideration of the issues presented by respondent's motion. Accordingly, the Court GRANTS petitioner's request (Docket No. 17).

Given that the Court must obtain the files from the Federal Records Center, the Court VACATES the hearing currently scheduled for January 20, 2006. The Court will address respondent's motion off calendar.

IT IS SO ORDERED.

Dated: January 17, 2006



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California

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